App. F. IX-4

1936
(Mazrai

File No. 176-36
Serial Nos. 1 - 4

Previous References

Mag 318-35-1-2
" 110-32-1-2
" 364-22-1-4

Letter References.

199-42-(1-5). B. Sept 48.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 4

Part B for May 1937.

SUBJECT.

Appeal [illegible] re inam lands of
Sri Hoolsiere Venkata Ruthnat Bn. [illegible]
Malavalli Taluk

WD 0418—GPB—22,500—29-8-36

G. R. S. APP F. III—1] 1936-7

GENERAL AND REVENUE SECRETARIAT.

(Mu3)

NOTES. File No.

FILE HEADING.

Appeal petition — Re:- Inam lands belonging to Sri Holekere Visaktha Mutt at Belahavadi — Malvalli Taluk.

FROM A. Venkatakrishna Setty and A. Krishna Setty Merchants. Kollegal

No. — Dated 2.2.37 Received 4.2.37

Diary No. 748 | Enclos. 2 Spare copies — | Serial No. 1

BRIEF ABSTRACT OF LETTER

Appeals against the Muzrai Commissioner's review order of 30.11.36 in the matter of the action to be taken in respect of lands alienated by the Swamiyar of Sri Holekere Visaktha Mutt at Belahavadi Malvalli Taluk.

NOTES AND ORDERS.

1) The order appealed against is flagged 'A'. The petition praying for a revision of M.C. order no 1483/34-35 dt 7.6.35 directing the D.C. Mysore & Co to take action under Sec 30 of the Religious & Charitable Inst^ns Regn Act of 1927 in respect of certain lands of Sri Holekere Visaktha Mutt at Belahavadi Malvalli Taluk is flagged 'B'.

NOTES—First Sheet

WD 02552—GPB—5,000—10-7-30

Re: Alienated Lands of Viraktas near Belakavadi - Mysore Dt.

File No. 176 of 1936-7 General and Revenue Secretariat

Rejected by the M.C. As the facts of the case are not clear from the Endt. No. HHM 17/36-37 of 21/12/36, records will be called for & appld. for ——

1) 5-2-37. 2) The records may be called for and examined. 2/2/37.

3) Memo of forwarding post cards on the P. Hd to for Kannada Programme —

3) 5-2-37. 4) Sm 2/6/37

2.

To. The Mezy Court
No 1125 of 11-2-37.
Forwards the petn in dl for submission of the records connected with the case.

Letter no RE 46/36-37 of 16.3.37 from the Mazrai Enquiry Commissioner submitting records relating to the appeal of A. Venkata-Krishna Setty and another in re: the lease amount of Inam lands belonging to Sri Holeker Viraktha mutt at Belakavadi.

5) Sri Holeker Viraktha mutt at Belakavadi Hobli Tk is a Mezy Inam having been enfranchised with Jaripam Devaccaya lands for its support as detailed in fly 6-) of the Jamabandi Rent Roll for the purpose. The total area of the lands under the Inam is 32-15 both wet and dry assessed at Rs 120-13-0 vide fly paras 6, 7, 12 of the Inam Commissioner's report dated 15-5-1873.

Serial No.

The appeal filed by the respondent in this case is against the order of the D.C. in Appeal No. 14 of 1935 dated 18/6/1935 passed on the application of the respondent for the restoration of possession of Belahundi. As the law stands it is held that the Civil Court does not have jurisdiction over the decisions of the Revenue Courts. The instructions contained in the D.C.'s letter of 18/6/1935 are on the matter of an official communication addressed to the D.C. by the Commissioner. Whether this was done for the purpose of appeal before the Court at this stage is a matter for consideration. Hold for orders.

6) The order of the Asst. A.C. Bhadravati dated 14th October 1955 is for perusal. In the circumstances the order of the A.C. dated 18th June 1955 of D.C. Mysore District, in which action under Section 30 of the Religious and Charitable Institutions Registration Scheme to be cancelled, and the petition of Malvalli Taluk as seen from the records is holding an enquiry in this matter, and the order of the A.C. appealed against is not an order, but a direction given to the D.C. Mysore District.

NOTE—Contn Sheet

WD 0417 GPB—30,000 8 9 36

Re: alienated lands belonging to 905
Viraktamatha at Belakadadi

Mlg File No. 176 of 1936-37

General and Revenue Secretariat

Serial No.

as regards the enquiry to be held, and at this stage the appeal petition is to be rejected.

2/7/37

Sen Hiry). May be rejected-

7/5/37.

First Member

GENERAL SECRETARY. 7 MAY 1937 2101

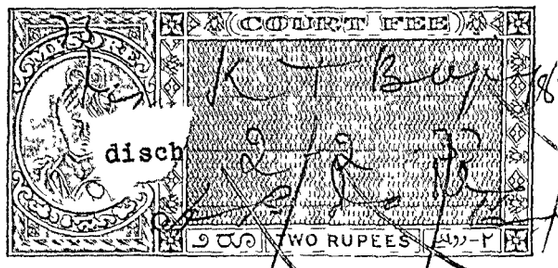
RECEIVED 17 MAY 1937

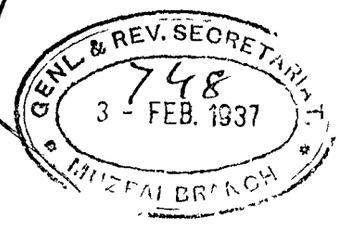
GENERAL SECRETARY. 20 MAY 1937 2438

No 1553 of 25/5/37 to Messrs A. Venkatakrishna Setty and A. Krishna Setty merchants of Kollegal intimating that their petition is rejected.

Memo No 1554 of 25/5/37 to the Mamlatdar Commissioner forwarding copy of the above endorsement for his information on the subject.

B 4.6.37





BEFORE THE GOVERNMENT OF HIS HIGHNESS THE - MAHARAJA OF MYSORE, BANGALORE.

Muzrai Appeal No. 18 of 36-37.

PETITIONERS:- A. Venkatakrishna Setty and - A. Krishna Setty, Merchants, - Kollegal.

The Petitioners abovenamed, beg to prefer this appeal against the order of the learned Muzrai Commissioner in Appeal No.17 of 36-37 dated 21-12-36 in the matter of certain Inam lands belonging to Sri Holekere Virakta Mutt at Belakavadi in the Malavalli Taluk, and set forth the following grounds of objection to the said order:-

FACTS OF THE CASE.

1. That the Mutt referred to above is a - Muzrai institution as defined in Section 2 - (2) (i) of the Mysore Religious and charitable Institutions Regulation and is in the enjoyment of the Inams granted by Government for its support.

2. That in or about the year 1850, the then head of the Mutt granted a portion of the Inam lands to one Madamma and her husband on permanent lease under the following circumstances:-

(i) That the Inams were lying fallow and as nobody would cultivate them, the Swami prevailed upon his brother's - daughter

daughter Madamma and husband to come over to the Mutt and in its management. They sold their lands in their native place and handed over the realizations to the then Guru to improve the Mutt estates and came to live as his disciples. It was at this point of line that in consideration of all this that a portion of the lands was given on lease to them.

(ii) That one Halagappa, Son of Madamma who succeeded to the estates of his mother - borrowed money to improve the lands from the first Petitioner but failed to repay the same. In consequence the first Petitioner filed a suit. The second Petitioner obtained possession of the lands through regular process of Law.

(iii) That the gross and persistent mismanagement of the Mutt affairs by Sri Karibasa Swami, who became Swami prior to 1918, is within the knowledge of the learned Muzrai Commissioner and probably also the - Government.

(iv) That in spite of the several opportunities given by the Government, the Swami has not only failed to discharge the liabilities incurred by him but has also incurred - further liabilities and all this is proof positive of his malafide intentions and inability to manage the affairs of the Institution satisfactorily.

(v) That on the pressure brought to bear upon him by the repeated orders of Government and being completely disabled by impecu-

rious

impecurious conditions to get an honourable discharge from his liabilities, - the Swamiji has resorted to the method of invoking the aid of technicalities to serve his evil ends.

(vi) That the conduct of the Swamiji in - attesting the hypothecation deed of 20th October 1908 consenting to a decree in O. S. No.181 of 29-30, on the file of the Munsiff at Mandya, and subsequently his attempt to get possession of the - lands show the lack of bona-fides. The Swamiji is estopped from going behind - the above statements.

G R O U N D S.

1. That the learned Muzrai Commissioner failed to consider that the Swami having succeeded to the Gurushipp prior to 1918 could have questioned the alienation created by his predecessor within 12 years of his succession according to the decision of the Their Lordships of the Privy Council in Sri Vidya Varidhi --(Vs.)-- P. A. Balasami Iyer and others, and not having done so he was estopped from setting up any claim adverse to the interests of the Petitioner during his tenure of office as Swami.

2. That the learned Muzrai Commissioner erred in failing to notice that the debts raised by - Halagappa on the security of the lands now under reference had been recognised by the previous and the present Swami and also by the Government as part of the Mutts liabilities and that in spite of the order to clear off the above liability from the funds of the Mutt, the same remained undis-

charged

undischarged.

3. That having regard to the history of the case and in virtue of the permanent lease deed executed so far back as 1897 by Doddabasavalingasami and of the recognition already accorded by Government to this transaction the proper course to be adopted was under Clause II A of the Chief Commissioner's notification No.266 of 17th November 1877 and not under Section 30 of the Mysore Religious and Charitable Institution Regulation of 1927.

4. That the Petitioners have got possession of the lands for valuable consideration and in strict compliance with the requirements of Law and are perfectly willing to abide by the conditions governing the original lease created as far back as 1850 and recognised and reaffirmed by Pattada ~~Ramalinga~~ Basava sami in 1897. And the learned Muzrai Commissioner erred in not considering this aspect of the case.

5. That the learned Muzrai Commissioner failed to consider the heavy loss that will be caused to the Petitioners who had invested so large an amount over the land in question and that the ends of justice and equity required proceedings to be taken under the then existing provision of Law and not a later enactment.

6. That the decision of the learned Muzrai Commissioner is opposed to Law, equity and probabilities of the case.

7. That the learned Muzrai Commissioner erred in passing an order ex-parte without giving an opportunity to the Petitioners to place their case before the appeal was posted for orders.

8. Wherefore,

Wherefore, the Petitioners humbly pray that the Government of His Highness the Maharaja of - Mysore may be pleased to set aside the order - directing an enquiry under Section 30, of Mysore Religious and Charitable Institutions Regulations and take action under Rule II A of the Chief Commissioner's Notification dated 17-11-1877. They further pray that the present possession and enjoyment of the lands by the Petitioners may be - maintained on one half of the Survey Assessment ~~xxxxxx~~ or in the alternative the Inam tenure of - the lands may be cancelled and full assessment due to Government under the provisions of the Land - Revenue Code may be imposed under Section 14 of - the Muzrai Regulation of 1913.

Bangalore,
2nd February 1937.

K.T. Bhashyam Aiyangar
ADVOCATE FOR PETITIONERS.

1125/Muz/76-36-2 dt. 11-2-37.
Forwarded with Compliments to the Muzrai Commissioner for favour of submitting the entire records connected with the case.

By order,
for Secretary to Government.

C V N
6501
12 FEB. 1937
THE DEPUTY COMMISSIONER
No 4137
17 FEB. 1937
MYSORE DISTRICT

Memo No. 46 86-37

Forwarded with Compliments to the Deputy Commissioner Mysore district for favour of submitting the connected records in the case at the earliest date.

No. 924/36. Dt. 17/2/37.

M. N. Bhandakumar 15.2.37
Muzrai Commissioner.

Urgent

Memo H.875/32

Forwarded to the Sub division office, Maddur, for submitting the connected records in the case at an early date.

Ramachar
For Deputy Commissioner
Mysore District.

H/18/2/37.

19-2-37
62
E2-36(a)/36-37

Memo C.no 124 32-33

Forwarded to the Sheristadar, Maddur for submission of the connected record in time.

Sub Div. Office
Maddur

23

Munirai
Subordinate Records Attender
To
25-2-37

ಪ್ರಕಟಣೆ C.no 124 32-33

ಪ್ರಕಟಣೆ - ಕಸ್ಬಾ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ. ಬಿ ಜಿಲ್ಲೆ ಮದ್ದೂರು ತಾಲ್ಲೂಕು ಕಸಬಾ ಹೋಬಳಿಯ ಸರ್ವೆ ನಂ. ಬಿ ಜಿಲ್ಲೆ ಮದ್ದೂರು ತಾಲ್ಲೂಕು ಕಸಬಾ ಹೋಬಳಿಯ ಸರ್ವೆ ನಂ. ಬಿ ಜಿಲ್ಲೆ ಮದ್ದೂರು ತಾಲ್ಲೂಕು ಕಸಬಾ ಹೋಬಳಿಯ

28-2-37
62

Sheristadar

OFFICE OF THE ... J.I. ...
No 4414
4 MAR 1937
MYSORE DISTRICT 364

Memo

The entire records received with the above are herewith submitted to the Deputy Commissioner, Mysore District.

H.875/32
6/3/37

28-2-37.

H.S. Ramaiah
Sub Div. Officer
Maddur

M.C.5]

Office of the Muzrai Commissioner in Mysore.

No. App. 17/36-37. *Dated Bangalore,* 21-12-1936.

Endorsement *granted to* Messrs. A. Venkatakrishna Setty and ... Krishna Setty. Merchants, Kollegal through A. Venkata Subba Setty, B.A., B.L., Advocate, Chickpet, Bangalore City. *in reply to his Petition Register No. as per margin.*

Petition Register No. App.17/36-37.

Dated 30-11-36

Subject:—

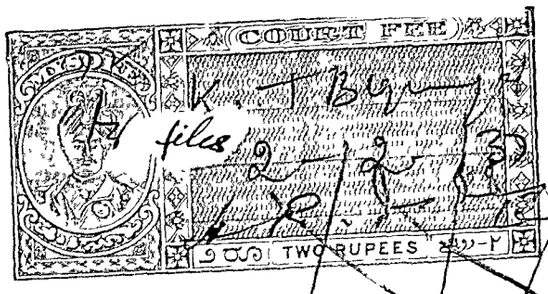
Praying for a review of this office order No.1483/34-35 dated 7-6-35 directing the Deputy Commissioner, Mysore District, to take action under Section 30 of the Mysore Religious and Charitable Institutions Regulation in respect of certain lands alienated by the Swamigalu of Sri Holekere Virakta Mutt at Belakavadi, Malavalli Taluk.

The Appellants are *informed that* their review petition is rejected. If so advised, they may appeal to Government.

M. N Ramachar
for Muzrai Commissioner.

WD 0241—GPB—500—19-9-35

G.S



K. T. Bhy
files 2 2 2
2

Before the Government of the High ne 88
The Maharaja of Mysore

In the High Court of Mysore

BANGALORE.

Mysrai Appeal No. of 1936 – 197.

Petitioners

A. Venkrishna Setty

+

A. Krishna Setty

VS.

Filed with Petn
Dec 1936

Messrs. K. T. BHASHYAM IYENGAR, B.A., B.L., & M. SESHADRI, B.A., LL.B.,
Advocates

We the petrs abovenamed do hereby nominate and appoint the said advocates in the above case and do hereby empower the said advocates to appear for and on our behalf in the above case, to take all steps which may be necessary on our behalf arising out of or in connection with the above case either during progress or after its decision to sign and subscribe their names to any document which they may deem proper to execute any decree that may be passed in our favour and to receive out of the Court any refund of money which may be lodged or become payable or receivable on our behalf and on receipt thereof to grant receipts or other sufficient discharges for the same, to withdraw, compromise or refer to arbitration the said case to appoint one or more substitute or substitutes and to act and perform all other matters and things relating thereto or connected therewith, to represent us in matters relating to the same and to act as fully and effectually to all intents and purposes as we might do if personally present and did the same. And we do hereby agree to pay all fees, costs, charges and expenses which may be incurred and to allow, ratify and to confirm whatsoever the said Advocates shall lawfully do or cause or procure to be done by virtue of these presents.

A. Krishna Setty

Accepted

Signed before me by the executant who is known to me

Advocate

Advocates for applt

12/12/36

Mr. G.S.

M C 13.] H. He 46/36-37
Encl- one bundle of files

GENL. SECRETARIAT. 905 18 MAR. 1937 MUZRAI BR. MYSORE.

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore,.... 15th March *....1937*

16

Mg 126-36-3

FROM

K. V. ANANTARAMAN, ESQ., B.A.,
Muzrai Commissioner in Mysore

To

GENERAL SECRETARY 17 MAR. 1937

V. Vedavyasacharya, Esq., B.A.,
Secretary to the Government of His Highness the Maharaja of Mysore,
General *Department.*

SIR,

Re. the appeal petition of Messrs. A. Venkatakrishna Setty in re. inam lands belonging to Sri Holekere Virakta Mutt at Belakavadi.

Adverting to your Memo No.1125/Muz.176-36-2 dated the 11th February 1937 calling for the entire records in re. the above, I have the honor to forward herewith the vernacular records received with the Mysore District Deputy Commissioner's letter No.H.875/32-33 dated the 8th March 1937, as also the marginally noted files of this office on the subject.

Hgf
Hgo
YR and

No.D1 Dis.48/28-29
" D1 Dis.115/32-33
" App.17/36-37

The petition received with your Memo under advertance is returned herewith.

I have the honor to be,

Sir,

Your most obedient servant,

M. N. Anandaluru
Assistant Commissioner
For Muzrai Commissioner.
(Absent from headquarters)

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat 14

Dated, Bangalore . . 25th May 1937.

No. 1553
Mog 176-36-G.

ENDORSEMENT.

To

Messrs. A.Venkatakrishna Setty and
A...rishna Setty, Merchants of ...ollegal.
care of Mr. ...T.Shashyam Iyengar, B...., L...,
Advocate, Kottapet, Bangalore City.

---.

With reference to their petition dated 3.d ...ruary 1937 appealing against the orders of the Mzrai Commissioner in Mysore in the matter of certain Inam lands belonging to Sri Kolgere Viraktamutt at Kallakavadi Malvalli Taluk, Messrs. A.Venkatakrishna Setty and A.Krishna Setty, Merchants of Ollegal are informed that Government see no reason to interfere with the orders of the Muzrai Commissioner in the matter and that their petition is rejected.

By Order,

Sd/- M.Venkatesa Iyengar.

General Secretary to Government

c...4

Memo No. 1554/Mys P 95-5-3)

Copy of the foregoing is forwarded with compliments to the Muzrai Commissioner in Mysore with the connected records received with his letter No.H.C.46/36-37 dated 16th March 1937 on the subject.

By Order,

Mir Safdar Ahmed

For General Secretary to Govt.

GS

SUBJECT .....

.....

.....

.....

Section Mu 3

File No. 176-36

Serial No. 4

4 Cttns

Diary No. of letter replied to ..... 455 .....

No. 1553

To

Messrs A. Venkata Krishna Setty
& A Krishna Setty. Merchants
at Kollegal.
C/o. Mr K. T. Bhashyam —
Iyengar. B.A B.L.
Advocate, Collector
Bangalore City.

General and Revenue Secretariat

( )

the *193* .

Date of issue 21-5-37

Signed by Mir Safdar Hussain

With reference to their petn dated 2/4/37
appealing against the orders
of the M.C. in the matter
of certain Inam lands
belonging to Sri Hotteswara
Chandra Mutt at Belakavadi
Malvalli Tk., Messrs A.
Venkata Krishna Setty and
A. Krishna Setty, merchants
of Kollegal are informed
that Govt

List of enclosures .....

Copied by .....

Examined by .....

WD 71—GBPM—40,000—20-7-31

Sec Opin Advr Sec
= Advocate
GS
7/11

17

In letter both the addr of the
M.C. in the Matter, the
their pet^n is rejected

B.O

15.5.4 Encl for
Comdr ~~for Gen Vee~~ 25-5-37
Copy to M.C. with the connected
Returned records
Returned with his letter no.
HC 46/36-37 dt 16/3/37.
B.O

24/5/37
for Gen Vee

Gen Vee
21.5.37